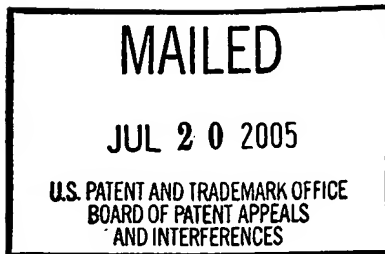


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte RONALD L. EDENS, LAURA J. KEELY
THOMAS P. KEENAN, SYLVIA B. LITTLE
MARY L. MCDANIEL, STEPHEN L. NUNN
WILLIAM G. REEVES, HEATHER A. SOREBO
and SUSAN M. WEYENBERG

Application No. 10/037,276

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 21, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

There is no proper indication on the record that the conference was held. In accordance with MPEP § 1208 regarding appeal conferences:

On the examiner's answer, below the primary examiner's signature, the word "Conferees" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must **place their initials next to their name**. This will make the record clear that an appeal conference has been held.

Appropriate correction is required.

Application No. 10/037,276

An Information Disclosure Statement (IDS) was filed September 27, 2004. It is not apparent from the record that the examiner properly considered the IDS submitted nor notified appellants of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

There is no indication that the Notice of Appeal fee has been collected. This fee is needed to process the appeal.

Accordingly, it is

ORDERED that the application is returned to the Examiner to 1) have all conferees sign or initial the Examiner's Answer, indicating that an appeal conference was held; 2) notify appellants in writing that the appeal conference was held; 3) consider the September 27, 2004 IDS; 4) written notification to appellant regarding the result of the examiner's consideration; 5) charge the Notice of Appeal fee and 6) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____



CRAIG R. FEINBERG
Program and Resource Administrator
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CRF/eld

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